THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18029 of 1997

DATED: 14.03.2007

Between:

B. Haranadha Rao and others .. Petitioners

And

A.P.State Electricity Board, through its
Member Secretary at Vidyut Soudha,
Somajiguda, Hyderabad and others. .. Respondents

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WRIT PETITION No.18029 of 1997

ORDER:

This Writ Petition is filed for a Writ of Mandamus with the following reliefs:

> "declaring the action of the respondents in not absorbing the petitioners as Assistant Engineers, Assistant Accounts Officers, Personnel Officers, as directed by the Government in G.O.Rt.No.383 & 384, Industries & Commerce Department, dated 31.03.1993, as illegal, arbitrary and unjust and consequently direct the respondents to:
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> 1. Absorb the petitioners No.1 to 4 as Assistant Engineers or its equivalent post thereto and the fifth petitioner as Personnel Officer/Assistant Accounts Officer, in A.P. State Electricity Board, with effect from the dates of their joining the Board Service will all consequential monetary benefits.
>
> 2. To credit the Earned Leave and Sick Leave which the petitioners earned in Hyderabad Allwyn Limited to the leave account of the petitioners in A.P. State Electricity Board.
>
> 3. To contribute the Employees Provident Fund Share with an equal contribution of the Employer's share and credit the same to the respective Employees Provident Fund a/cs of the petitioners.

4. To transfer the petitioners No.1 to 3 to Twin Cities.

5. To pay the salary to the petitioners No.1,2,3 & 5 for the months of May & June, 1993 and 4th petitioner from January
to April, 1996

6. To direct to pay the Leave Travel Concession/Allowance, Medical Allowance, Bonus, etc. as per G.O.Rt.Nos.383 & 384, Industries & Commerce Department, dated 31.03.1993.

7. Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

2. On 01.03.2007, Sri D.V.N. Acharya, learned counsel for the writ petitioners, represented that he has been engaged by the petitioners recently and that he required some time. Accepting the said request, the petition was adjourned to 07.03.2007 and on that day, the Writ Petition could not be taken up due to hearing of other cases. Today, the matter is taken up for hearing.

3. At the hearing, it is noticed that the 1st respondent namely Andhra Pradesh State Electricity Board (for short 'A.P.S.E.B.'), against which the reliefs are sought, is no longer in existence, and separate companies were created under the provisions of Andhra Pradesh Electricity Reform Act, 1998. Therefore, the Writ Petition, as framed with A.P.S.E.B as a party, cannot be prosecuted. The petitioners failed to bring on record the successors of A.P.S.E.B., namely, Andhra Pradesh Genco and Andhra Pradesh Transco for the last nine years. Without the said two companies being made parties, the cause in the

Writ Petition does not survive and no relief can be granted against A.P.S.E.B, which ceased to exist.

4. For the aforementioned reasons, the Writ Petition is dismissed. However, liberty is given to the petitioners to file a fresh Writ Petition, if they are so advised.

(C.V.NAGARJUNA REDDY,J)

14.03.2007
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